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Chairman: Mr. Hachani ..... (Tunisia)

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The meeting was called to order at 3.30 p.m.

Agenda item 105: Report of the United Nations High Commissioner for Refugees: questions relating to refugees and displaced persons and humanitarian questions (*continued*) (A/C.3/53/L.53)

1. **The Chairman** drew the Committee's attention to a letter dated 18 November 1998 from the Chairman of the Fifth Committee addressed to the President of the General Assembly following a decision taken by the Third Committee. He urged members of the Third Committee to consider its contents carefully, in order to avoid taking any decisions in future that might be interpreted as calling into question the powers of another Committee, and to abide by resolutions adopted by the plenary Assembly.

Draft resolution A/C.3/53/L.53: Assistance to refugees, returnees and displaced persons in Africa

2. **The Chairman** invited the Committee to take action on draft resolution A/C.3/53/L.53, which had no programme budget implications. He recalled that, at the time of its introduction, Yemen had become a sponsor.

3. **Mr. Kapazata** (United Republic of Tanzania) said that some revisions had been made to the draft resolution. In the third preambular paragraph, the words "to take steps" should be deleted. Paragraph 3 should read: "Calls upon all States and international organizations, within their mandates, to ensure that the civilian and humanitarian nature of refugee camps is not compromised by the presence or activities of armed elements;". Paragraph 15 should read: "Calls upon the Office of the United Nations High Commissioner for Refugees, the Organization of African Unity, subregional organizations and all African States to continue to work closely in identifying solutions to all outstanding refugee problems;". Paragraph 22 should read: "Calls upon the international donor community to provide material and financial assistance for the implementation of programmes intended for the rehabilitation of the environment and infrastructure affected by refugees in countries of asylum;". Paragraph 23 should read: "Requests all Governments and intergovernmental and non-governmental organizations to pay particular attention to meeting the special needs of refugee women and children and displaced persons, including those with special protection needs;".

4. *Draft resolution A/C.3/53/L.53, as orally revised, was adopted without a vote.*

5. **The Chairman** announced that the Committee had concluded its consideration of agenda item 105.

Agenda item 110: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/53/L.35, L.39, L.41, L.49, L.57 and L.58)

Draft resolution A/C.3/53/L.57: Enhancement of international cooperation in the field of human rights

6. **Mr. Mofobeng** (South Africa), introducing draft resolution A/C.3/53/L.57 on behalf of the States Members of the United Nations that were members of the Movement of Non-Aligned Countries and also China, drew attention to the third preambular paragraph and paragraph 3 of the draft resolution, which stressed the need to enhance international cooperation in order to ensure the promotion and protection of human rights. The Movement of Non-Aligned Countries and China hoped that the draft resolution would be adopted without a vote.

Draft resolution A/C.3/53/L.58: Right to development

7. **Mr. Mofobeng** (South Africa), introducing draft resolution A/C.3/53/L.58 on behalf of the States Members of the United Nations that were members of the Movement of Non-Aligned Countries, and also China, recalled that article 25, paragraph 1, of the Universal Declaration of Human Rights stated that everyone had the right to a standard of living adequate for the health and well-being of himself and his family. Fifty years on, however, there were still over a billion people living in poverty. Democracy, development and respect for all human rights, including the right to development, were interdependent. All those rights, especially the right to development, should be put at the top of the list of global priorities.

8. The Movement of Non-Aligned Countries and China deplored the proliferation of documents concerning informal negotiations on the right to development and hoped that the draft resolution would be adopted by consensus.

Draft resolution A/C.3/53/L.35: Strengthening of the rule of law

9. **The Chairman** invited the Committee to take action on draft resolution A/C.3/53/L.35, which had no programme budget implications. He recalled that, at the time of its introduction, Guinea-Bissau and Senegal had become sponsors.

10. **Ms. Nicodemos** (Brazil) said that, following consultations, paragraph 6 of the draft resolution had been revised to read: "*Welcomes* the deepening of the ongoing

cooperation between the United Nations High Commissioner for Human Rights and other relevant bodies and programmes of the United Nations system with a view to enhancing system-wide coordination of assistance in human rights, democracy and the rule of law and, in this context, takes note of the cooperation between the United Nations Development Programme (UNDP) and the United Nations High Commissioner for Human Rights in providing technical assistance at the request of States in the promotion of the rule of law". Her delegation hoped that the draft resolution, as orally revised, would be adopted by consensus, as it had happened the previous year.

11. **The Chairman** announced that the Central African Republic, the Congo, Sierra Leone, Suriname and Swaziland had become sponsors of the draft resolution.

12. *Draft resolution A/C.3/53/L.35, as orally revised, was adopted without a vote.*

Draft resolution A/C.3/53/L.39: Situation of human rights in Cambodia

13. **The Chairman** said that draft resolution A/C.3/53/L.39 had no programme budget implications and recalled that, at the time of its introduction, Belgium, Costa Rica, Denmark, Germany, Latvia, Liechtenstein and Portugal had become sponsors.

14. **Ms. Newell** (Secretary) noted that, in introducing the draft resolution, the representative of Australia had made a number of oral revisions to the text. Accordingly, paragraph 4 should end with the words "of the elections" and the remainder of the paragraph should be deleted. The following new paragraph 5 should be added:

> "*Notes* that the elections demonstrated the clear desire of the Cambodian people for democracy, *stresses* the need for the constructive engagement of all parties in order to fulfil the objective of the elections, the formation of an elected, constitutional government, and, in this context, welcomes the agreement reached between political parties to convene the national assembly and to establish a coalition government;".

Lastly, the following phrase should be added at the end of paragraph 6: "and *takes note* of the statements of the joint international observer group regarding the polling and counting processes of the elections".

15. **Ms. Kerr** (Australia) announced that France and Greece had become sponsors.

16. *Draft resolution A/C.3/53/L.39, as orally revised, was adopted without a vote.*

Draft resolution A/C.3/53/L.41: Extrajudicial, summary or arbitrary executions

17. **The Chairman** said that draft resolution A/C.3/53/L.41 had no programme budget implications and recalled that at the time of its introduction, Croatia, Monaco, Panama and Ukraine had become sponsors.

18. **Mr. Schalin** (Finland) announced that Cape Verde and Malta had become sponsors. The draft resolution had been revised, so that the sixth preambular paragraph now read:

> "Recalling, in this fiftieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide, article 6 of the Convention, and acknowledging in this context the historic significance of the adoption of the Rome Statute of the International Criminal Court;".

In the seventh preambular paragraph, the phrase "of non-combatants, carried out in cases of armed conflict not of an international character" had been deleted. His delegation hoped that the draft resolution would be adopted without a vote.

19. **Ms. Martinez** (Ecuador) said that her delegation supported the draft resolution but had not wished to become a sponsor.

20. **Mr. Nikiforov** (Russian Federation) noted that the Russian version had been issued without a title.

21. **The Chairman** noted that that was also the case for the French version.

22. **Mr. Beyendeza** (Uganda) said that his country wished to become a sponsor.

23. *Draft resolution A/C.3/53/L.41, as orally revised, was adopted without a vote.*

24. **Ms. Alvarez** (United States of America) said that her delegation had joined in the consensus on the draft resolution but dissociated itself from the references to the death penalty. While international law restricted the imposition of capital punishment to the most serious crimes and required that due process be observed, it did not prohibit it. The International Covenant on Civil and Political Rights explicitly recognized the right of States to impose the death penalty in accordance with their laws and with international standards. Capital punishment was a sensitive issue that was the subject of an ongoing debate in the United States and on which there was no consensus at the international level. The draft resolution attempted to further restrict the use of capital punishment by imposing the Human Rights Committee's interpretation of article 6 of the International Covenant on Civil and Political Rights, and of the Second Optional

Protocol thereto. On signing and ratifying the Covenant, the United States had formulated reservations with regard to article 6. Moreover, not being a party to the Second Optional Protocol, it did not accept the implication in the draft resolution that States that were not parties to the Protocol were bound by its provisions.

Draft resolution A/C.3/53/L.49: The human genome and human rights

25. **The Chairman** said that the draft resolution had no programme budget implications and recalled that, at the time of its introduction, the Bahamas, Belize, Burundi, Croatia, Djibouti, Ghana, Honduras, Iraq, Luxembourg, Nepal, Panama, Sierra Leone, Slovakia, Thailand, The former Yugoslav Republic of Macedonia and Tunisia had become sponsors. El Salvador, Equatorial Guinea and Haiti now also wished to become sponsors.

26. **Ms. de Carné de Trécesson** (France) said that Ukraine also wished to sponsor the draft resolution.

27. *Draft resolution A/C.3/53/L.49 was adopted without a vote.*

28. **Mr. Ball** (New Zealand), speaking in explanation of position, said that his delegation fully supported the general purposes and principles of the Universal Declaration on the Human Genome and Human Rights, adopted in November 1997 by UNESCO, and had therefore joined in the consensus on the draft resolution. He wished to point out, however, that the Declaration had encountered certain reservations and it was therefore not desirable that decisions and resolutions of the specialized agencies should be submitted directly to the General Assembly for adoption. He reiterated the concerns voiced by the New Zealand delegation with respect to the Declaration in November 1997 at UNESCO, to the effect that, since the Declaration had been adopted in haste, the delegation had not had time to consider its provisions carefully and had been unable to conduct all the consultations that it would have wished, in particular with the Maori people; that the Declaration made no reference to or referred too superficially to certain matters, notably cultural questions, intellectual property issues and the whole question of the application of the results of recent genetic research; and that UNESCO and the International Bioethics Committee should therefore devote all necessary attention to its follow-up.

29. **Mr. Plorutti** (Argentina) said that his delegation's statement at the meeting of the UNESCO General Conference in November 1997 applied equally to the resolution which the Third Committee had just adopted. Far from closing the debate on the potential ethical implications of scientific and technological progress, the Universal Declaration on the Human Genome and Human Rights was simply a starting point for that debate; it was, moreover, its awareness of the need for vigilance in that area which had led UNESCO to adopt the Declaration. His delegation wished to thank the French delegation for its tireless efforts to reach a consensus, which had made it possible to adopt draft resolution A/C.3/53/L.49 without a vote.

30. **Ms. Sutherland** (Australia) said that the international community must take a position on the question of the ethical implications of research on the human genome. Australia was therefore grateful to UNESCO for having drafted the Universal Declaration on the Human Genome and Human Rights, which it fully supported notwithstanding its limitations, but believed that the questions raised by genetic research were more far-reaching than those addressed in the Declaration and needed to be studied in greater depth at the national and international levels. In Australia, those questions were currently the subject of great debate, both in civil society and in Parliament, and her Government had yet to take a position on the matter. Australia would reserve its judgement on the content of the Declaration until the Government had determined its position.

31. **Mr. Felten** (Germany) said that Germany had been very actively involved from the outset in the UNESCO debate on the Declaration and that, in Germany itself, the issues dealt with in the Declaration were the subject of very serious debate in Parliament and civil society. At its most recent session, the Bundestag had discussed the adoption and implementation of the European Convention on Human Rights and Biomedicine, which took up some of the issues dealt with in the Declaration and addressed them in similar terms, but it had been unable to conclude its debate because of the 27 September 1998 elections. Germany was thus unable to take a position as yet on the implementation of the Declaration.

32. **Ms. McVey** (Canada) said that Canada, which had participated actively in recent years in the drafting of the Declaration, supported the draft resolution which had just been adopted because it believed that scientific and technological research must be based on principles which conformed to those of the international human rights covenants and treaties.

33. There had already been considerable progress since the adoption of the Declaration. The ad hoc working group, which had met in Paris from 25 to 27 March 1998, had adopted the revised statute of the International Bioethics Committee and the mandate of the new Intergovernmental Committee, which aimed to enable more member States and

groups from their civil societies to participate in the work of those bodies. Since then, both documents had been formally adopted and the International Bioethics Committee had decided to meet in the Netherlands from 2 to 4 December 1998. Moreover, at its most recent meeting, held in October, the UNESCO Executive Board had elected the members of the new Intergovernmental Committee, which included Canada, and the mechanism for the Declaration's application agreed by the UNESCO General Conference had begun to be put in place within the specified time-frame. Canada wished to take the opportunity to reiterate its readiness to work with the other members of the Intergovernmental Committee to ensure that the complex questions facing the international community in the field of bioethics received the attention they merited.

Agenda item 110 (c): Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/53/L.28, L.29, L.47, L.59 and L.60)

Draft resolution A/C.3/53/L.28: Situation of human rights in Rwanda

34. **Mr. Kayanimura** (Rwanda), introducing draft resolution A/C.3/53/L.28, said that the establishment of a culture of human rights, towards which his Government was working, would prevent a repetition of the genocide which had taken place in Rwanda. The draft resolution sought to mobilize the support of the international community for the lasting promotion of human rights institutions in Rwanda, such as the National Human Rights Commission established by his Government. Support not necessarily financial support, was sought in such priority areas as the training of national human rights monitors, the initiation of human rights education programmes and the provision of assistance to the National Human Rights Commission, as set out in paragraph 18 of the report of the Special Representative of the Commission on Human Rights (A/53/402). The comments made by the United Nations High Commissioner for Human Rights on the situation in Rwanda, the main conclusions and recommendations contained in Supplement No. 3 of the Official Records of the Economic and Social Council for 1998 (E/1998/23) and the conclusions of the Special Representative of the Commission on Human Rights for Rwanda (A/53/402) were particularly encouraging. His delegation hoped that the draft resolution would be adopted by consensus.

35. He was aware that another draft resolution on the same subject was to be presented to the Committee. He recalled that, during the debate on human rights questions, his delegation had announced that it would be presenting a draft resolution. The informal consultations initiated with the sponsors of the other draft resolution had yet to produce a compromise. If they were successful, however, it would be possible to present a single draft resolution.

Draft resolution A/C.3/53/L.29: Situation of human rights in Rwanda

36. **Mr. Hynes** (Canada), introducing draft resolution A/C.3/53/L.29, said that the following countries had become sponsors: Austria, Belgium, Chile, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Japan, Lithuania, Monaco, New Zealand, Portugal, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.

37. He noted that, since 1994, the international community, through the resolutions of the Commission on Human Rights and of the General Assembly, had demonstrated its solidarity with the Rwandan people by condemning the genocide and the crimes against humanity committed in that country and by organizing assistance for the Rwandans to enable them to deal with the tragic consequences of those events. Taking those earlier resolutions, all of which had been adopted by consensus, as a basis, the sponsors of the current draft resolution had three goals: to evaluate the action taken by the Rwandan Government, the Commission on Human Rights and other interested parties to help establish a society based on respect for human rights and fundamental freedoms; to echo the concern of the General Assembly at the continuing violations of human rights and international humanitarian law in Rwanda, as recounted in the reports of the Special Representative of the Commission on Human Rights and the Human Rights Field Operation in Rwanda; and to suggest measures for improving the human rights situation and the capacity of the Rwandan Government to fulfil its obligations in that area.

38. Progress had been made in some areas, such as the activities of the International Tribunal for Rwanda, investigations into extrajudicial executions carried out by members of the security forces, strengthening of the legal guarantees offered to individuals accused of genocide and the decision of the Government of Rwanda to set up a National Human Rights Commission. However, the sponsors of the resolution were particularly concerned by the withdrawal of the Human Rights Field Operation in Rwanda, as the Government and the Office of the High Commissioner for Human Rights had been unable to reach agreement on a new mandate.

39. The sponsors, who had sought bilateral talks with the Rwandan delegation before holding any open consultations,

had noted with regret that the Rwandan delegation had decided to submit its own draft resolution without informing them. Nevertheless, the consultations which had taken place had resulted in a new draft (A/C.3/53/L.29/Rev.1) submitted by the sponsors which represented a synthesis of important compromises agreed to by all the parties. Disagreements persisted on some elements, and it was to be hoped that the ongoing consultations would lead to consensus before the end of the session.

40. **Mr. Busacca** (Italy) said that his delegation had joined the sponsors of the draft resolution.

41. **Mr. Ndiaye** (Senegal) said that the submission of two draft resolutions on the situation of human rights in Rwanda placed some delegations, African delegations in particular, in a difficult position. He hoped that the ongoing consultations would arrive at a consensus draft. His delegation would like to know whether draft resolution A/C.3/53/L.29/Rev.1 expressed a convergence of views between the Rwandan and Canadian delegations and whether, in the absence of a consensus, the Committee could decide on two draft resolutions concerning the situation of human rights in a single country.

42. **The Chairman** said that he was aware of the problem and had asked one of the Vice-Chairmen to conduct consultations with the delegations concerned in an attempt to arrive at a compromise text. Although the points of view had come closer, disagreements remained; therefore consensus was not expected. It was for the parties themselves to indicate whether draft resolution A/C.3/53/L.29/Rev.1 represented their positions. If circumstances required, the Chairman and the Secretariat would inform the members of the Committee of the procedure to be followed when the Committee had before it more than one draft resolution on the same subject.

43. **Mr. Hynes** (Canada), in reply to the delegation of Senegal, said that draft resolution A/C.3/53/L.29/Rev.1 was a compromise text, with the exception of two paragraphs, paragraphs 3 and 17, which were still under discussion.

44. **Mr. Kayinamura** (Rwanda) said that he objected to the statement by the delegation of Canada that Rwanda had decided to submit a draft resolution without informing anyone. From the beginning of the discussions, his delegation had announced that it would submit a draft resolution on the situation of human rights in Rwanda based on the resolution set out in document A/53/402, well before the Canadian delegation had drafted its own version. The draft submitted by the Canadian delegation, and two of its paragraphs in particular, did not in fact represent a consensus. It was to be hoped that the ongoing consultations would lead to the adoption of a single text.

45. **Mr. Wenaweser** (Liechtenstein) said that his delegation wished to join the sponsors of draft resolution A/C.3/53/L.29/Rev.1, and hoped that it could be adopted by consensus.

Action on draft resolutions

Draft resolution A/C.3/53/L.60: Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

46. **The Chairman** invited the Committee to take action on draft resolution A/C.3/53/L.60. The draft resolution had no programme budget implications. Since its introduction, Australia, Denmark, Estonia, Germany, Greece, Iceland, Ireland, Liechtenstein, Norway, Pakistan, Slovakia and Sweden had joined its sponsors.

47. **Ms. Newell** (Secretary of the Committee) read out the oral revisions to the draft resolution made by the representative of the United States when the text had been introduced. At the end of the seventh preambular paragraph, the words "the former Yugoslavia", should be replaced by "the region"; in paragraph 25, the word "greater" should be replaced by "additional"; in paragraph 42, "the Federal Republic of Yugoslavia (Serbia and Montenegro)" should replace "the former Yugoslavia".

48. **The Chairman** said that a separate recorded vote had been requested on section III of the draft resolution.

49. **Mr. Sepelev** (Russian Federation) enquired if it was correct that the draft resolution had not only been amended orally by the United States but also through a written document circulated by the sponsors.

50. **The Chairman** said that the oral amendments were the only ones of which the Bureau was aware and requested clarification from the representative of the United States

51. **Mr. Winnick** (United States of America) requested that the meeting should be suspended.

52. *The meeting was suspended at 4.45 p.m. and resumed at 5 p.m.*

53. **Mr. Carle** (United States of America) said that New Zealand and the United Arab Emirates had joined the sponsors of the draft resolution. A number of written amendments had been made to the text. Paragraph 9 should read: "*Welcomes* the fact that 34 persons indicted by the International Tribunal have been brought to justice". The beginning of paragraph 30 should read: "*Calls upon* the Croatian authorities to prevent harassment, looting and

physical attacks against displaced Serbs and other minorities and to arrest speedily those committing or instigating such acts aimed at preventing the return of Croatian Serbs or others to their homes and, in particular, to address immediately any allegations of individual involvement by Croatian police or military members (whether on or off duty) through appropriate disciplinary proceedings". The rest of the paragraph remained unchanged. The following phrase should be inserted in the second line of paragraph 41 after "Kosovo": "while noting that the Federal Republic of Yugoslavia (Serbia and Montenegro) is allowing international verifiers into Kosovo". Finally, the phrase "the United Nations Human Rights Field Operation in the former Yugoslavia" should replace the end of paragraph 42 after the words "in the context of".

54. **Mr. Mukhopadhaya** (India) said that at the Committee's forty-ninth meeting, the representative of the United States had stated that the words "in the former Yugoslavia" in paragraph 42 should be replaced by "in the Federal Republic of Yugoslavia (Serbia and Montenegro)"; the Secretary of the Committee had confirmed that amendment by reading it out.

55. **Mr. Carle** (United States of America) said that that amendment had been made only out of desire to use the official name of the United Nations operation.

56. **Mr. Schalin** (Finland) requested an explanation of the fact that the first two lines of paragraph 30 of the draft, as circulated, differed from the oral amendment read out by the representative of the United States.

57. **Mr. Carle** (United States of America) confirmed that the correct wording of the amendment was the one which he had read out.

58. *A recorded vote was taken on section III of draft resolution A/C.3/53/L.60.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Finland, France, Gambia, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Mauritania, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela and Zambia.

Against:

Belarus.

Abstaining:

Angola, Benin, Burkina Faso, Cameroon, China, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Ethiopia, India, Lao People's Democratic Republic, Mali, Namibia, Russian Federation, Sierra Leone and Zimbabwe.

59. *Section III of draft resolution A/C.3/53/L.60 was adopted by 127 votes to 1, with 17 abstentions.*

60. *A recorded vote was taken on draft resolution A/C.3/53/L.60 as a whole.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Canada, Cape Verde, Central African Republic, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Fiji, Finland, France, Gambia, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Mauritania,

Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zambia.

Against:

None.

Abstaining:

Belarus, Benin, Burkina Faso, Cameroon, China, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Ethiopia, Ghana, Guinea, India, Lao People's Democratic Republic, Mali, Namibia, Russian Federation, Sierra Leone, United Republic of Tanzania, Zimbabwe.

61. *Draft resolution A/C.3/53/L.60 as a whole was adopted by 132 votes to none, with 20 abstentions.*

62. **Mr. Sepelev** (Russian Federation) said that he could not accept the names used to refer to certain parties in the draft resolution on the grounds both of balance and objectivity and of legal error. Furthermore, the remarks of the primary sponsors of the draft should not have been made within the framework of the Committee. In addition, the names used in the draft, such as the addition of "(Serbia and Montenegro)" after "the Federal Republic of Yugoslavia", were anachronistic.

63. The fact that the sponsors of the draft resolution had understood the position of the Russian Federation had allowed the latter to abstain from voting, and he hoped that that trend would continue and increase so that differences of opinion would not stand in the way of adoption by consensus.

64. **Ms.Šimonović** (Croatia) said that her delegation had participated actively in the preparation of the draft resolution but, for various reasons, had been unable to sponsor it. In the first place, her delegation found it difficult to accept the sixth preambular paragraph, which did not sufficiently distinguish between the situation of human rights in Bosnia and Herzegovina, in Croatia and in the Federal Republic of Yugoslavia (Serbia and Montenegro), although that distinction was extremely clear. While the situation of human rights in Croatia had been improving constantly since the end of the conflict and since the Croatian Government's establishment of control over the entire territory of Croatia, and while that situation had definitely improved in Bosnia and Herzegovina, it had worsened in the Federal Republic of Yugoslavia (Serbia and Montenegro), where numerous conflicts had broken out and there had been a renewed outbreak of human rights violations.

65. Furthermore, her delegation regretted that the draft did not better reflect the spirit of cooperation displayed by the Croatian Government and the fact that Croatia had become a party to many human rights instruments, including the Optional Protocol to the International Covenant on Civil and Political Rights and the extremely demanding European Convention on Human Rights, and had accepted the jurisdiction of the European Court of Human Rights. Lastly, while she welcomed the introductory statement made by the representative of the United States regarding the succession to the former Socialist Federal Republic of Yugoslavia, she regretted that the draft made no mention of that fundamental issue.

66. **Ms. Riederer** (Austria) said that she fully supported the resolution and noted that the name of the Federal Republic of Yugoslavia should not be followed by the words placed in parentheses.

Draft resolution A/C.3/53/L.59: Situation of human rights in Myanmar

67. **The Chairman** said that the draft resolution had no programme budget implications and that, at the time of its introduction, Estonia and the United States had become sponsors.

68. **Ms. Mårtensson** (Sweden) said that two other countries, Poland and the Republic of Korea, had become sponsors of the draft.

69. **Mr. Mra** (Myanmar) said that the resolution on the situation of human rights in Myanmar was negativistic and biased. It totally ignored the fact that the current Government had saved the country from political and economic chaos, laid the groundwork for the establishment of a disciplined democracy with a market-oriented economy which had allowed political parties to exist legally and laid down a systematic programme for transition to a new political system which would allow the people to participate actively in the life of the country. It also failed to reflect the fact that the National League for Democracy and its General Secretary, Ms. Aung San Suu Kyi, had frequently

endeavoured to hinder Myanmar's peaceful, systematic transition to democracy.

70. Immediately after the restrictions on her had been lifted, she had begun to threaten the Government with utter devastation unless it engaged in dialogue. She had led the League to withdraw unilaterally from the National Convention, had called on the international community to impose sanctions on Myanmar and had urged businesses not to invest in the country, clearly in order to aggravate the situation and pressure the Government. Unfortunately, the League encouraged by external support, had continued its systematic opposition to the Government. It had recently demanded that Parliament should be convened within 60 days, before 21 August 1998, threatening further steps if its demand was not met. With support from certain quarters, after establishing a 10-member committee to represent the Parliament elected in 1990, it had noted to revoke the laws, regulations and directives issued by the Government since 18 September 1998, which was tantamount to reducing the country to a lawless state. Were it not for the extreme caution and restraint demonstrated by the Government, the situation could have led to bloodshed. If the Government of Myanmar were as repressive as the resolution alleged, the League's leaders would have been thrown into jail and the party banned. However, despite those provocations, the Government had shown restraint and sought to meet with some members of the League. There again, the resolution was biased since it noted the establishment of the committee responsible for representing the Parliament elected in 1990 but made no mention of the Government's attempts at reconciliation or of the fact that it had not broken off relations with the League.

71. The draft resolution totally ignored the fact that the Government had been placed in a difficult economic situation. Since 1988, the multilateral financial institutions had suspended their aid to Myanmar and some Western countries had decided to impose economic sanctions against the country, very likely with the intention of sowing discontent and inciting the population to rise up against the Government. Contrary to the allegations of the National League for Democracy (NLD), the Government had dealt with the situation courageously and had spared no effort to pool all the resources available in the country and to meet the basic needs of the population.

72. On the question of the opening of a dialogue between the Government and the NLD, it should be noted that all the initiatives had been taken thus far by the Government. It should also be noted that if the meetings with the NLD had failed because of a lack of the mutual confidence that was a prerequisite for substantive discussions, it was because the NLD had squandered the opportunity. Thus, for example, at the meeting of 18 August 1998 between the Secretariat of the State Peace and Development Council (SPDC) and the Chairman of the NLD, the latter had taken highly confrontational steps by calling for the convening of the Parliament and establishing a 10-member committee to represent the Parliament. In the final analysis, it was the negative approach of the NLD and its policy of confrontation that undermined the peace and stability that prevailed in the country and were responsible for what the draft resolution perceived of as a lack of progress.

73. In conclusion, his delegation considered the draft resolution to be selective and partial. All of its allegations were baseless and Myanmar totally rejected its call for the full implementation of the recommendations made by the Special Rapporteur. It nevertheless thanked those delegations which had been understanding of Myanmar's situation and had made an effort to moderate the tone of the resolution. In deference to those efforts, it had decided not to request a recorded vote on the draft resolution.

74. **Mr. Touray** (Gambia) said that his country was not a co-sponsor of the draft resolution.

75. *Draft resolution A/C.3/53/L.59 was adopted without a vote.*

76. **Mr. Peters** (Netherlands) said that his delegation had joined the consensus on the resolution, but that it had not been in a position to co-sponsor the text which, in its view, did not adequately reflect the situation on the ground.

77. The delegation of the Netherlands would have preferred the use of stronger language to describe the current human rights situation in Myanmar, more along the lines of Commission on Human Rights resolution 1998/63. The draft resolution should have expressed concern at the deterioration of the human rights situation in the country and, in particular, at the detention of opposition activists and the numerous and persistent violations perpetrated by the armed forces. It should also have requested the Government of Myanmar not only to engage in a substantive dialogue with the General Secretary of the National League for Democracy and other political leaders, but, more specifically, to do so immediately and unconditionally. In addition, the draft resolution should have mentioned the refusal of the Government of Myanmar to allow a visit by the Special Rapporteur and should have contained an explicit reference to the fact that the Special Rapporteur should be able to meet with any person with whom he deemed it useful to speak. Lastly, his delegation would have liked to see separate paragraphs on the situation of women and children, since paragraph 13 of the resolution was too general.

78. **Mr. Winnick** (United States of America) pointed out that, even as the resolution was being prepared, the Government of Myanmar had been engaged in an intensive campaign of intimidation and forced detentions designed to weaken and isolate the National League for Democracy (NLD) and its General Secretary and to prevent the establishment of the Parliament that had been freely elected by the people of Myanmar in 1990.

79. Since September 1998, nearly 1,000 opposition figures from the National League for Democracy and other parties, including members of Parliament, had been arbitrarily detained by the Government and forced to renounce their party affiliation as a condition of their release. It was against that background that the 80-year-old Chairman of the Arakan National League for Democracy had been held in detention for months by the SPDC and Mr. Aung Min, one of the many NLD deputies detained by the SPDC, had died recently while in custody.

80. The Government's campaign against the opposition parties was now being carried to local areas, where NLD offices were being closed and its members intimidated into resigning from political life. Other opposition parties were also being pressured to distance themselves from the NLD and to withdraw their previous support for the committee to represent the people's Parliament which it had established. Contrary to its claims, the Government of Myanmar had therefore adopted a deliberate policy of depriving its citizens of the fundamental rights of freedom of association and freedom of opinion.

81. The United States of America called on the Government of Myanmar to cooperate with the Secretary-General, his representatives and the Special Rapporteur of the Commission on Human Rights and to live up to its obligations under the Charter, the international human rights instruments to which it was party and the current resolution. To that end, it would continue to work with the United Nations, the international community and all members of the opposition to the Government of Myanmar.

82. **Ms. McVey** (Canada) said that her delegation supported the resolution, but had been unable to join the list of co-sponsors because of the way in which it was worded. Canada welcomed the fact that the State Peace and Development Committee (SPDC) had received the Envoy of the Secretary-General and hoped that that step marked the beginning of cooperation between the Government of Myanmar and the United Nations. It remained deeply concerned, however, over the security of Ms. Aung San Suu Kyi, the lack of progress in the political dialogue between the SPDC and the NLD and the frequent and continuing human rights abuses. Canada remained committed to efforts to promote national reconciliation and political dialogue between the SPDC and the NLD.

83. **Mr. Kamitani** (Japan) expressed satisfaction at the adoption of the resolution. He acknowledged that there had been positive developments in the situation in Myanmar, but wished to emphasize the need for dialogue between the Government and the NLD. He sincerely hoped that the two parties would try to show tolerance and restraint so that the current situation could be improved. With regard to paragraph 14 of the resolution, he noted that the Government of Myanmar had agreed to implement the recommendations of the International Labour Organization Commission of Inquiry regarding the implementation of the Forced Labour Convention and had stated its readiness to make every effort to take the necessary measures in a timely manner. The Japanese delegation sincerely hoped that the Government would translate those intentions into concrete action and reiterated its hope that it would take further steps to improve the human rights situation in its territory, accelerate the process of democratization and continue the cooperation which it had begun with the United Nations. The Government of Japan was ready to assist it in attaining its objectives.

The meeting rose at 5.55 p.m.